IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Tadao Yoshida, et al.
Serial No.	:	09/726,867
For	:	BROADCASTING SYSTEM AND RECEPTION APPARATUS
Filed	:	November 30, 2000
Examiner	:	Lambrecht, Christopher M.
Art Unit	:	2623
Confirmation No	:	1954

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FIRST CLASS MAIL

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Thomas F. Presson, Reg. No. 41,442
(Name of Applicant, Assignee or Registered Representative)

Signature

February 21, 2007
Date of Signature

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the Final Rejection dated November 30, 2006 in the above-captioned application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Please consider the reasons stated herein.

REASONS FOR REQUEST

Claims 1-18 are currently pending. Claims 1 and 10 are independent.

Claims 1, 3, 10 and 12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,614,987 to Ismail, et al. (hereinafter, merely "Ismail") in view of WO 99/01984 to Maissel, et al. (hereinafter, merely "Maissel") and further in view of U.S. Patent No. 6,581,207 to Sumita, et al. (hereinafter, merely "Sumita").

Claims 2 and 11 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 1 and 10, and further in view of Dunlop ("The Effects of Accessing Non-matching Documents on Relevance Feedback") and U.S. Patent No. 6,408,295 to Aggarwal, et al. (hereinafter, merely "Aggarwal").

Claims 4-6 and 13-15 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ismail, Sumita and Maissel, as applied to claims 3 and 12, and further in view of U.S. Patent No. 6,005,561 to Hawkins, et al. (hereinafter, merely "Hawkins").

Claims 7 and 16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 3 and 12, and further in view of U.S. Patent No. 6,457,010 to Eldering, et al. (hereinafter, merely "Eldering") and further in view of U.S. Patent No. 6,185,360 to Inoue, et al. (hereinafter, merely "Inoue").

Claims 8 and 17 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 3 and 12, and further in view of U.S. Patent No. 6,266,664 to Russel-Falla, et al. (hereinafter, merely "Russel-Falla") and still further in view of Inoue.

Claims 9 and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 1 and 10, and further in view of Eldering.

Claim 1 recites, *inter alia*:

"A broadcasting system comprising:

wherein said controlling unit computes said attribute information of the digital contents replayed by said user, analyzes said user's taste and based on the analysis, modifies a weight of each parameter of said selection information to optimize the selection information for said user." (Emphasis added)

As understood by Applicants, Ismail relates to a system for recording television programs for subsequent viewing by a user that includes a preference determination module which is responsive to attribute information associated with television programs viewed by the user. The preference determination module categorizes the attribute information in accordance with categorization parameters to generate recordation preference information, indicative of television program viewing preferences of the user.

As understood by Applicants, Maissel relates to a subscriber unit for use in a television system including a television network and transmitting apparatus for transmitting program schedule information, the subscriber unit including a receiving unit for receiving the program schedule information.

As understood by Applicants, Sumita relates to an information filtering system in which, video, sound and text information in broadcast programs are analyzed at a server for creating information for selection or summarization of a program and the resulting information is then transmitted to users on the client side.

Applicants submit that Ismail, Maissel, and Sumita, taken either alone or in combination, do not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of a broadcasting system wherein said controlling unit computes said attribute information of the digital contents replayed by said user,

analyzes said user's taste and based on the analysis, modifies a weight of each parameter of said selection information to optimize the selection information for said user, as recited in claim 1.

The Office Action concedes that Ismail and Sumita fail to teach the above identified features of claim 1. Additionaly, the Office Action asserts that Maissel teaches the above identified features of claim 1. Page 19, paragraph 1 of Maissel merely discloses that "the viewer preference profile may contain information on preference strength, that is, on how strongly a certain program or type of program is preferred by the viewer." Furthermore, page 20, paragraph 3, of Maissel discloses that "the intelligent agent 130 is also operative to customize the program schedule information received from the receiving unit 120 in accordance with one or more viewer preference profiles belonging to one or more viewers and to output a program guide comprising the customized program schedule information to the display apparatus 150 for display."

Thus, the cited portions of Maissel do not teach or suggest that the controlling unit computes attribute information of the digital contents replayed by the user, analyzes the user's taste and based on the analysis, modifies a weight of each parameter of the selection information to optimize the selection information. Indeed, Maissel teaches that the viewer preference profile may contain information on preference strength and that the program schedule information can be customized in accordance with one or more viewer preference profiles. However, Maissel does not teach or suggest computing attribute information of the digital contents replayed by the user, analyzing the user's taste, modifying the preference strength and using the modified preference strength to optimize the selection information.

Further, Applicants submit that nothing has been found in the art used as a basis for rejection of the dependent claims that would render claim 1 unpatentable.

Furthermore, Applicants submit that not only does the combination of Ismael, Maissel and Sumita fail to teach or suggest the claimed features, but the combination is improper because it lacks motivation. Applicants respectfully submit that the combination of Ismael, Maissel and Sumita is the result of improper hindsight using Applicants' claimed invention as a blueprint.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 10 is also believed to be patentable.

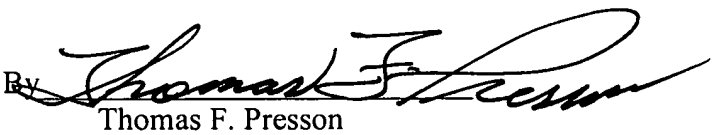
Therefore, Applicants submit that independent claims 1 and 10 are patentable.

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 

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